

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 430 OF 2014
WITH
CRIMINAL APPLICATION NO. 687 OF 2014

Shahanawaj Shamsuddin Bhadgaonkar. ... Appellant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sudeep Pasbola i/b. Mr. Umar Z. Kazi and Mr. Rahul Arote,
advocate for appellant.

Mr. Arfan Sait, APP for State.

Mr. M.B. Kadam, API, Mahatma Phule Chowk Police Station, Kalyan.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : DECEMBER 10, 2015

P.C.:

1 On 10/6/2014 Criminal Appeal No. 430 of 2014 was listed before this Court (Coram : Smt. Sadhana S. Jadhav, J) for admission of the appeal. The appellant herein is convicted for offence punishable under Section 376(2)(f) and 506 of the Indian Penal Code. The learned Sessions Judge, Kalyan has sentenced the appellant to suffer R.I. for 5 years. The minimum prescribed punishment for offence punishable under Section 376(2)(f) of the

Indian Penal Code is 7 years. In view of this, this Court had issued notice of enhancement. The learned Counsel for the appellant had waived service for notice of enhancement on 11/8/2014. On 18/11/2014 learned Counsel for the applicant had sought liberty withdraw the Criminal Application No. 687 of 2014 which was filed for seeking suspension of substantive sentence. The liberty was granted. On 18/11/2014 the learned Counsel for the appellant had submitted that he would file private paper book. Leave was granted. The applicant was granted liberty to renew his prayer for expeditious hearing after the paper book is verified by the office.

2 The learned APP has rightly pointed out that the appellant herein was arrested on 22/11/2010. Learned APP submits that the appellant has served the sentence of 5 years and is enlarged from jail on 17th July, 2015.

3 Notice of enhancement is registered as Criminal Suo Moto Application No. 1 of 2015.

4 Pursuant to the directions of this Court, the appellant is present
before the Court and the request of the learned Counsel for the
appellant is considered and the appeal alongwith Criminal Suo Moto
Application No. 1 of 2015 is being heard finally forthwith.

5 For the reasons to follow, Criminal Appeal is dismissed.

6 In view of dismissal of the appeal, nothing survives in the
application. The same is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)